

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            )              **Case No. 12-cv-03554-MDH**  
                                )  
NATHANIEL DAWSON,        )  
                                )  
Defendant.                 )

**ORDER**

Before the Court is Defendant's *pro se* motion for release. (Doc. 52). Defendant moves the Court for an order to release him from prison.

The matter was referred to the U.S. Magistrate and the Magistrate has submitted a Report and Recommendation recommending Defendant's *pro se* Motion should be denied without prejudice. (Doc. 53). The R&R states Defendant is not authorized to personally file a motion for a hearing to determine whether he should be discharged. See *United States v. O'Laughlin*, 934 F.3d 840, 840-41 (8th Cir. 2019) (Section 4247(h) requires motions for discharge hearings "to be filed by an attorney or legal guardian for the committed person.") *cert. denied*, 140 S. Ct. 2535 (Mar. 23, 2020). Here, the motion was filed by Defendant, not an attorney or legal guardian.

As a result, based on the record before the Court, and the applicable law governing motions for discharge in § 4246 commitments, the Court hereby **ADOPTS** the Report and Recommendation of the Magistrate Judge (Doc. 53). The Court **DENIES** Defendant's *pro se* motion (Doc. 52) without prejudice.

**IT IS SO ORDERED.**

Dated: August 1, 2024

*/s/ Douglas Harpool*

**DOUGLAS HARPOOL**  
**UNITED STATES DISTRICT JUDGE**